

August 6, 2012

MAINE PUBLIC UTILITIES COMMISSION  
Repeal of Chapter 302, Consumer  
Education Program; Electric Industry  
Restructuring  
*and*  
Chapter 303, Employee Transition  
Benefits

ORDER REPEALING RULES

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WELCH, Chairman; LITTELL and VANNOY, Commissioners

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## **I. SUMMARY**

We repeal Chapters 302 and 303 of our Rules because both Chapters were time-limited and are no longer relevant.

## **II. BACKGROUND**

During May of 1997, the Maine Legislature decided that all Maine electricity customers will have the right to purchase generation service from competitive providers beginning March 1, 2000. 35-A M.R.S.A. §§ 3202-3217.

Chapter 302 provided for the implementation of a consumer education program to educate the public about implementation of retail access (*i.e.*, the ability to purchase generation service from competitive providers) and established a funding mechanism for the program. The program was funded by a special assessment on electric or transmission and distribution utilities based on a proportion of those utilities' gross intrastate operating revenues. The assessments began in fiscal year 1997-98 and continued through fiscal year 2000-01. Chapter 302, section 4(C). The consumer education program continued through September 2000. Chapter 302, section 5(E). Given the completion of the consumer education program, the need for Rule 302 no longer exists.

To promote an effective competitive market, the Legislature required each presently-existing investor-owned utility to divest most of its generation assets by March 1, 2000. Anticipating potential workforce reductions, the Legislature required each investor-owned utility to develop a program to provide benefits to employees laid-off as a result of retail competition.

Chapter 303 established the procedures to be followed to determine whether an employee of an investor-owned utility or its successor was eligible to receive transition services and benefits, the standard under which the Commission would review a utility's employee benefits plan, and the regulatory treatment of costs associated with providing the employee transition benefits. Each investor-owned electric utility's employee benefits plan was required to include:

- Retraining services for two years after retail access or divestiture,
- Full tuition for two years at the University of Maine or a vocational or technical school in the state,
- Continued health care insurance for 24 months or until permanent replacement coverage was obtained through reemployment,
- Severance pay, and
- Provisions which allowed employees to maintain fringe benefits at their own expense.

Absent just cause, any layoff which occurred between July 1, 1998 (the effective date of Chapter 303) and December 31, 2001 was deemed to have been due to retail competition. Thus, the latest possible termination date of benefits obtained by an employee under this Rule would have been December 31, 2003. Therefore, Chapter 303 is no longer relevant.

### **III. PROCEDURES FOR THIS RULEMAKING**

This rulemaking was conducted according to the procedures set forth in 5 M.R.S.A. §§ 8051-8064. No public hearing on the repeal of Chapters 302 and 303 was scheduled nor was one requested. The comment period ended July 13, 2012.

Central Maine Power (CMP) submitted comments. CMP stated that it agreed with the Commission's assessment that Chapters 302 and 303 were time-limited and should be repealed. CMP further stated that CMP's employee transition costs were recovered through rates set in Docket No. 97-580.

### **IV. CONCLUSION**

As no comments opposing the repeal were received and no other information came before us since the proposal to repeal the rules was issued, we find no reason not to repeal Chapters 302 and 303.

Accordingly, it is

ORDERED

1. That Chapters 302 and 303 are repealed;
2. That the Administrative Director shall file with the Secretary of State this Order noting the repeal of the rules; and
3. That the Administrative Director shall notify the following of the repeal of the rule:
  - a. All transmission and distribution utilities in the State;
  - b. All persons who have filed with the Commission within the past year a written request for notices of rulemakings; and
  - c. The Executive Director of the Legislative Council.

Dated at Hallowell, Maine, this 6<sup>th</sup> day of August, 2012.

BY ORDER OF THE COMMISSION

/s/ Karen Geraghty

Karen Geraghty  
Administrative Director

COMMISSIONERS VOTING FOR: Welch  
Littell  
Vannoy

## NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within **20** days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought. Any petition not granted within 20 days from the date of filing is denied.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21** days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

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